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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,005	03/25/2002	Hijin Sato	217204US2PCT	7138

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EXAMINER	
SOBUTKA, PHILIP	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,005	SATO ET AL.	
	Examiner	Art Unit	
	Philip J. Sobutka	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *59-116* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *59-75,104-108 and 112-116* is/are allowed.

6)☒ Claim(s) *76,77,84,85,92,93,100 and 109* is/are rejected.

7)☒ Claim(s) *79-83,86-91,94-99,101-103,110 and 111* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/5/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 100 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 110, line 8 begins " such as to receive". This is not grammatically correct and appears to be a typographical error. It has been interpreted to mean " receiving". Applicant must amend the claim to correct the grammar.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 76,77,84,85,92,93,100 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaskill (5,398,021).

Consider claim 76. Gaskill teaches a multicast service *(note that Gaskill's information is distributed to multiple terminals, i.e. multi-casting, as described in column 3, lines 8-24)* providing method by which multicast information distribution service is performed by an information distributing apparatus via a radio section on radio terminals present in a service area thereof *(as shown in Gaskill's figure 1, and described in column 4, lines 48 – column 5, line 10)*:

wherein: the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution *(Gaskill teaches informing of the type of multicast, or group message available in figure 7, and column 10, line 59- column 11, line 3)* and radio channels used for the distribution of the multicast information *(Gaskill teaches informing of specific channel, generally time slot used for collection, as shown for example in column 7, lines 1-35)* by using a single message sent on a predetermined radio channel *(Gaskill teaches using a single group message to inform multiple receivers in column 6, line 44- column 7, line 35)* and

the respective radio terminals within the service area receive the multicast information distribution service from the information distributing apparatus via the thus-informed radio channels *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

As to claim 77, Gaskill teaches the multicast service wherein: the information distributing apparatus manages correspondence relationship between the information for identifying the multicast information on distribution service and the radio channels used for distributing the multicast information *(Gaskill see column 7, lines 1-35)*, and

informs all the radio terminals present within the service area management information indicating the correspondence relationship by using the above-mentioned predetermined radio channel *(Gaskill see column 7, lines 1-35)*, and

each of the radio terminals present within the service area receives the desired multicast information distribution service by using the corresponding radio channels

based on the management information *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

Consider claim 84. Gaskill teaches a multicast service *(note that Gaskill's information is distributed to multiple terminals, i.e. multi-casting, as described in column 3, lines 8-24)* providing system in which multicast information distribution service is made by an information distributing apparatus to radio terminals present within a service area via a radio section *(as shown in Gaskill's figure 1, and described in column 4, lines 48 – column 5, line 10)*, wherein:

the information distributing apparatus has information control means informing, by using a single message sent on a predetermined radio channel, all the radio terminals present within the service area, of information for identifying multicast information on distribution service distribution *(Gaskill teaches informing of the type of multicast, or group message available in figure 7, and column 10, line 59- column 11, line 3)* and radio channels used for distributing the multicast information *(Gaskill teaches informing of specific channel, generally time slot used for collection, as shown for example in column 7, lines 1-35)*; and

each radio terminal present within the service area receives the multicast information distribution service from the information distributing apparatus by using the radio channels thus informed of *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

As to claim 85 Gaskill teaches the multicast service providing system wherein:

the information distributing apparatus has management means managing correspondence relationship between the information identifying the multicast information on distribution service and the radio channels used for distributing the multicast information *(Gaskill see column 7, lines 1-35)*, and

informs, of management information indicating the correspondence relationship, all the radio terminals present within the service area by using a predetermined radio channel *(Gaskill see column 7, lines 1-35)*, and

each radio terminal present within the service area receives the desired multicast information distribution service from the information distributing apparatus via the corresponding radio channels based on the management information *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

Consider claim 92 Gaskill teaches an information distributing apparatus performing multicast information distribution service *(note that Gaskill's information is distributed to multiple terminals, i.e. multi-casting, as described in column 3, lines 8-24)* for radio terminals present within a service area via a radio section *(as shown in Gaskill's figure 1, and described in column 4, lines 48 – column 5, line 10)*, comprising:

informing control means for informing all the radio terminals present within the service area of information for identifying multicast information on distribution service *(Gaskill teaches informing of the type of multicast, or group message available in figure 7, and column 10, line 59- column 11, line 3)* and radio channels used for distributing the multicast information *(Gaskill teaches informing of specific channel, generally time*

slot used for collection, as shown for example in column 7, lines 1-35) by using a single message sent on a predetermined radio channel *(Gaskill teaches using a single group message to inform multiple receivers in column 6, line 44- column 7, line 35)*,

each of the radio terminals present within the service area being able to receive the multicast information distribution service via the thus-informed radio channels *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

As to claim 93 Gaskill teaches the information distributing apparatus comprising:

management means managing correspondence relationship between multicast information on distribution service and radio channels used for distributing the multicast information *(Gaskill see column 7, lines 1-35)*,

the informing control means informing all the radio terminals present within the service area of management information indicating the correspondence relationship managed by the management means, by using the predetermined radio channel *(Gaskill see column 7, lines 1-35)*.

Consider claim 100. Gaskill teaches a radio terminal which receives multicast information distribution service *(note that Gaskill's information is distributed to multiple terminals, i.e. multi-casting, as described in column 3, lines 8-24)* via a radio section from an information distributing apparatus *(as shown in Gaskill's figure 1, and described in column 4, lines 48 – column 5, line 10)*, comprising:

service state reception control means receiving a single message *(Gaskill teaches using a single group message to inform multiple receivers in column 6, line 44-*

column 7, line 35) from the information distributing apparatus management information indicating correspondence relationship between information for identifying multicast information on distribution service *(Gaskill teaches informing of the type of multicast, or group message available in figure 7, and column 10, line 59- column 11, line 3)* and radio channels used for distributing the multicast information *(Gaskill teaches informing of specific channel, generally time slot used for collection, as shown for example in column 7, lines 1-35)* ,

such as to receive from the information distributing apparatus the desired multicast information distribution service via the corresponding radio channels based on the management information received by the service state reception control means in the single message *(Gaskill describes the receiver collection in column 7, lines 55 – 70)*.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaskill in view of Rinchiuso et al (US 6,104,709).

Consider claim 109. Gaskill teaches a radio base station which transmits multicast data *(note that Gaskill's information is distributed to multiple terminals, i.e. multi-casting, as described in column 3, lines 8-24)* to a radio terminal, comprising:

radio channel information transmitting means transmitting information of a plurality of radio channels used for distributing the multicast data *(Gaskill teaches informing of specific channel, generally time slot used for collection, as shown for example in column 7, lines 1-35)* in a single message in response to the distributing request for the multicast data given by the radio terminal *(Gaskill teaches using a single group message to inform multiple receivers in column 6, line 44- column 7, line 35. Note that Gaskill's multicast data is only transmitted to receivers that have previously requested the multicast transmission as described in column 6, lines 55- 65 and column 7 lines 34-54).*

Note that Gaskill's receivers request reception via their previously set up user profiles *(As shown in Gaskill column 7, lines 34-54)*. Gaskill lacks a teaching of a distribution request receiving means receiving a distribution request for multicast data transmitted from the radio terminal.

Rinchiuso teaches a receiver which has the ability to transmit requests for multicast service *(Rinchiuso see figure 6, and the description on column 7, lines 36-61).*

It would have been obvious to one of ordinary skill in the art to modify Gaskill's receiver with the ability to transmit requests for multicast service in order to eliminate the need for presetting their profile thereby increase the ease with which users can obtain the multicast service as taught by Rinchiuso.

Allowable Subject Matter

7. Claims 79-83,87-91,95-99,102,103,110,111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance for these claims were presented in a previous office action.

8. Claims 59-75, 104-108,112-116 are allowed.

Reasons for allowance for these claims were presented in a previous office action.

9. Claims 78,86,94 and 101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider claim 78. The nearest prior art as shown in Gaskill fails to teach the multicast service providing method as claimed in claim 77, wherein: the radio terminal transmits a service request signal for requesting distribution service of multicast information not included in the management information, to the information distributing apparatus; when receiving the service request signal from the radio terminal, the information distributing apparatus adds to the management information a

correspondence relationship between information identifying the multicast information concerning the request and a radio channel used for distributing the multicast information; and, also starts distribution service of the multicast information concerning the request by using the radio channel.

Consider claim 86. The nearest prior art as shown in Gaskill fails to teach the multicast service providing system as claimed in claim 85, wherein: the radio terminal has service requesting means transmitting a service request signal for requesting distribution service for multicast information not included in the management information; the information distributing apparatus has first management information updating means adding, when receiving the service request signal from the radio terminal, to the management information, a correspondence relationship between information for identifying the multicast information concerning the request and a radio channel used for distributing the multicast information, and as well as updates the management information by the first management information updating means, starts distribution service of the multicast information concerning the request by using the radio channel.

Consider claim 94. The nearest prior art as shown in Gaskill fails to teach the information distributing apparatus as claimed in claim 93, wherein: the management means comprises first management information updating means adding, when receiving a service request signal concerning multicast information for which distribution service has not been made from the radio terminal, a correspondence relationship between information identifying the multicast information concerning the request managed by the

management means and a radio channel used for distributing the multicast information, to the management information, as well as the management information being updated by the first management information updating means, distribution service of the multicast information concerning the request being started by using the radio channel.

Consider claim 101. The nearest prior art as shown in Gaskill fails to teach the radio terminal as claimed in claim 100, comprising: service requesting means transmitting a service request signal for requesting a distribution service for multicast information not included in the management information to the information distributing apparatus, such that the information distributing apparatus may add, when receiving the service request signal from the radio terminal, to the management information, a correspondence relationship between information for identifying the multicast information concerning the request and a radio channel used for distributing the multicast information, and, also, distribution service of the multicast information concerning the request may be started by using the radio channel.

Response to Arguments

10. Applicant's arguments with respect to claims 76,77,84,85,92,93,100,109 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629.

12. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/20/2006

PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

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